



BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana
46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643

Group: 1618

Confirmation No.: 9879

Application No.: 10/765,336

Invention: VITAMIN RECEPTOR BINDING
DRUG DELIVERY CONJUGATES

Inventor: Iontcho R. Vlahov et al.

Filed: January 27, 2004

Attorney

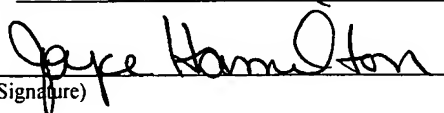
Docket: 20150-74359

Examiner: Jones, Dameron Levest

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on December 11, 2007


(Signature)

Joyce Hamilton
(Printed Name)

DECLARATION OF IONTCHO R. VLAHOV, Ph.D. UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Iontcho R. Vlahov, a citizen of the United States, do declare and say that:

1. I am the first-named inventor on the captioned application for patent filed on January 27, 2004, claiming priority under 35 U.S.C. § 119(e) to each of three U.S. provisional patent application Serial Nos. 60/442,845 (filed January 27, 2003), 60/492,119 (filed August 1, 2003), and 60/516,188 (filed October 31, 2003). I understand that the Examiner has rejected claims 1-47, 49-51, 57-60, and 64-65 as being obvious over Chari et al. in U.S. Patent No. 6,596,757 ("Chari"). I also understand that Chari issued from an application filed on May 14, 2002.


2. The invention, as defined by claims 1-47, 49-51, 57-60, and 64-65 of the captioned application, includes vitamin receptor binding drug delivery conjugates (claims 1-47 and 51) and vitamin receptor binding drug delivery conjugate intermediates (claims 49-50 and 57-60). The invention described and claimed in the captioned application was conceived and reduced to practice in the United States prior to May 14, 2002, the filing date of the patent application of Chari that is cited by the Examiner.

3. Exhibit A attached hereto includes photocopies of several Compound Registration forms for vitamin receptor binding drug delivery conjugates that are specifically exemplified in the above-captioned application (Examples 5, 7, 9, 10a, 11, and 40). Such Compound Registration forms are submitted by scientists at Endocyte, Inc. after a compound is prepared and sufficiently characterized. Accordingly, each of the Compound Registration forms also includes supporting chromatographic, spectroscopic, compositional, and/or other analytical data, as indicated on the form.

4. The attached Compound Registration forms document that the invention of vitamin receptor binding drug delivery conjugates and intermediates, as recited in claims 1-47, 49-51, 57-60, and 64-65 was conceived of and reduced to practice before May 14, 2002, the filing date of Chari. In addition, several other vitamin receptor binding drug delivery conjugates and intermediates were prepared prior to the filing date of Chari, including Examples 3, 4a-4c, 6, 8, 12, 14a, 14b, 19, 25, 39, and 41 described in the application as filed. Each of the representative Examples mentioned herein was prepared by me or one of my co-inventors before the filing date of Chari.

I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon.

Dated: December 04, 2007

By: 
Iontcho R. Vlahov, Ph.D.